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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/401,495	09/22/1999	KLAUS MARSCHOLL	08204.035	4748

7590

01/23/2002

LINIAK BERENATO LONGACRE & WHITE
6550 ROCK SPRING DRIVE
SUITE 240
BETHESDA, MD 20817

EXAMINER

STRIMBU, GREGORY J

ART UNIT	PAPER NUMBER
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3634

21

DATE MAILED: 01/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/401,495

Applicant(s)

MARSCHOLL, KLAUS

Examiner

Gregory J. Strimbu

Art Unit

3634

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2001.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 26 November 2001 is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 20.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Drawings

The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on December 8, 2000 and November 26, 2001 have been approved.

The drawings, however, are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, at least one of the actuators being guided in at least one guide (claim 5) and the two actuators being guided in first and second guides (claim 6) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities:
on line 7 of page 8, "of the drive motor" is grammatically awkward and confusing.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "when said window pane . . . to said upper position" on lines 4-5 of claim 1 render the claims indefinite because it implies that the cable segments are not parallel to each other at times other than when the window pane is lifted from the lower position to the upper position. Recitations such as "a second actuator" on line 10 of claim 5 render the claims indefinite because it is unclear if the applicant is referring to one of the actuators set forth above or is attempting to set forth another actuator in addition to the ones set forth above. Additionally, it should be noted that the applicant has failed to set forth a first actuator above since the applicant has only set forth "at least one of said actuators" on line 6 of claim 5. Is the applicant attempting to refer to the other one of the two actuators?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Dupuy. Dupuy, as best shown in figure 7, discloses a motor vehicle window lift 24 for lifting a window pane 34 from a lower position to an upper position comprising a mounting structure 76, a drive system 98 for actuating a lift operating condition, a cable system having two cable segments 80 running substantially parallel to each other when the window pane is lifted from the lower position to the upper position, several reversing

Art Unit: 3634

rollers 82, 84 for the cable system and two actuators 88 for the window pane, each affixed to a respective one of the cable segments 88, the two actuators being displaceably guided along first and second guides 36 as shown in figure 1 on the mounting structure, wherein the two actuators are rigidly connected to each other by a rigid coupling 90 such that the actuators are non-movably and non-pivotally fixed to the rigid coupling. The rigid coupling 90 is a cross bar which is detachably attached to the actuators and forms the rigid coupling.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dupuy as applied to claims 1-3, 11 and 13 above, and further in view of Kimura et al. Kimura et al. discloses a mounting structure B3 having a width is less than approximately 2/3 the width of the window pane B1.

It would have been obvious to one of ordinary skill in the art to provide Dupuy with a width, as taught by Kimura et al., to reduce the amount of space required in the vehicle door to mount the window lift.

Art Unit: 3634

Claims 5, 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over TenBrink et al. in view of Dupuy. TenBrink et al. discloses a motor vehicle window lift 26 for lifting a window pane 18 from a lower position to an upper position comprising a mounting structure 22, a drive member 34, a cable system having two cable segments 38 and 40 running substantially parallel to each other when the window pane is lifted from the lower position to the upper position, several reversing rollers 36 for the cable system and two actuators 32 for the window pane, each affixed to a respective one of the cable segments, at least one of the actuators being displaceably guided in at least one guide 28 on the mounting structure, wherein a second actuator 32 is affixed to one of the cable segments 40 remote from the at least one guide 28 such that the second actuator is not guided by the guide 28.

However, Dupuy discloses a motor vehicle window lift 24 comprising two actuators 88 which are connected to each other by a rigid coupling 90 such that the actuators are non-movably and non-pivotally fixed to the rigid coupling in a lift operating condition.

It would have been obvious to one of ordinary skill in the art to provide TenBrink et al. with a rigid coupling, as taught by Dupuy, to equalize strain. See column 5, lines 57-58.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over TenBrink et al. in view of Dupuy as applied to claims 5, 6 and 12 above. TenBrink et al., as

modified above, is silent concerning the first and second guides being integrated into the mounting structure.

However, it would have been obvious to one having ordinary skill in the art to make the first and second guide integral with the mounting structure since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893).

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over TenBrink et al. in view of Dupuy as applied to claims 5, 6 and 12 above. TenBrink et al., as modified above, is silent concerning how the first and second guides are attached to the mounting structure.

However, it would have been no more than an obvious matter of engineering design choice for one having ordinary skill in the art to attach the first and second guides to the mounting structure with screws, rivets or welds.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dupuy as applied to claims 1-3, 11 and 13 above, and further in view of Marscholl et al. Marscholl et al. discloses an adjusting element 11 for connecting the ends of a cable system 3 to a coupling 1.

It would have been obvious to one of ordinary skill in the art to provide Dupuy with adjusting elements, as taught by Marscholl et al., to adjust the cable tension.

Art Unit: 3634

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over TenBrink et al. in view of Dupuy as applied to claims 5, 6 and 12 above, and further in view of Bauer et al. Bauer et al. disclose a window lift comprising a single cable 20 system.

It would have been obvious to one of ordinary skill in the art to provide TenBrink et al., as modified above, with a single cable, as taught by Bauer et al., to increase the ease with which the window lift can be installed.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Vail et al. is cited for disclosing a window lift having a rigid coupling.

Response to Arguments

Applicant's arguments filed November 26, 2001 have been fully considered but they are moot in view of the new grounds of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. The applicant has amended claim 1 to change the limitation of the two actuators being guided in to guided along the first and second guides. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3634

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 703-305-3979. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

A handwritten signature in black ink, appearing to read "Gregory J. Strimbu", with a long horizontal flourish extending to the right.

Gregory J. Strimbu
Primary Examiner
Art Unit 3634
January 16, 2002